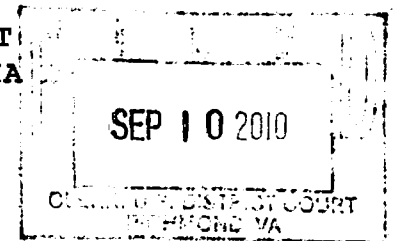


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



PAUL RENFRO HARBISON, JR.

Plaintiff,

v.

Civil Action No. 3:10cv297

COMMONWEALTH OF VIRGINIA
ex rel. KENNETH T.
CUCCINELLI, II, et al.,

Defendants.

ORDER

By Order entered herein on July 14, 2010 (Docket No. 36), the following motions were referred to Magistrate Judge Dennis W. Dohnal for report and recommendation:

- (A) MOTION TO DISMISS (Docket No. 3);
- (B) DEFENDANTS MIN, BOWERS, LOWREY, NEELY, PRITCHETT, WILLIAMS, KIZER, CHAPMAN, AND FINCH'S MOTION TO DISMISS PURSUANT TO RULES 12(b)(1) and 12(b)(6) (Docket No. 9);
- (C) MOTION TO DISMISS (Docket No. 15);
- (D) MOTION TO STRIKE PLAINTIFF'S REQUEST FOR ENTRY OF DEFAULT AND TO SET ASIDE CLERK'S ENTRY OF DEFAULT (Docket No. 19);
- (E) MOTION TO DISMISS PURSUANT TO RULE 12(B)(1) AND 12(B)(6) (Docket No. 22); and
- (F) REQUESTS FOR HEARING (Docket Nos. 26 and 32).

Having reviewed the REPORT AND RECOMMENDATION (Docket No. 40) entered herein on August 11, 2010, the plaintiff's WRITTEN OBJECTIONS AND CONTRADICTIONS OF LAW (Docket No. 41), and having

considered the record and the REPORT AND RECOMMENDATION and finding no error therein, it is hereby ORDERED that:

(1) The plaintiff's WRITTEN OBJECTIONS AND CONTRADICTIONS OF LAW ARE overruled;

(2) The REPORT AND RECOMMENDATION is ADOPTED on the basis of the reasoning of the REPORT AND RECOMMENDATION;

(3) The MOTION TO DISMISS filed by the Commonwealth of Virginia ex rel. Kenneth T. Cuccinelli, II (Docket No. 3) is granted;

(4) DEFENDANTS MIN, BOWERS, LOWREY, NEELY, PRITCHETT, WILLIAMS, KIZER, CHAPMAN, AND FINCH'S MOTION TO DISMISS PURSUANT TO RULES 12(b)(1) and 12(b)(6) (Docket No. 9) is granted;

(5) The MOTION TO DISMISS filed by defendants, Honorable David Beck, Honorable Joseph Ellis, Honorable Robert Humphreys, Honorable Cleo Powell and Honorable Jean Harrison Clements (Docket No. 15) is granted;

(6) The MOTION TO STRIKE PLAINTIFF'S REQUEST FOR ENTRY OF DEFAULT AND TO SET ASIDE CLERK'S ENTRY OF DEFAULT (Docket No. 19) is granted; and

(7) The REQUESTS FOR HEARING (Docket Nos. 26 and 32) are denied as moot;

(8) The plaintiff's MOTION FOR DECLARATORY AND INJUNCTIVE RELIEF (Docket No. 42) is denied because of the above findings of the Court; and

(9) This action is dismissed with prejudice.

The issues are adequately addressed by the briefs and oral argument would not materially aid the decisional process.

This Order may be appealed by the Plaintiff. Any appeal from this decision must be taken by filing a written notice of appeal with the Clerk of the Court within thirty (30) days of the date of entry hereof. Failure to file a timely notice of appeal may result in the loss of the right to appeal.

The Clerk is directed to send a copy of this Order to the plaintiff and to counsel of record.

It is so ORDERED.

/s/ REP
Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: September 10, 2010